



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

ELP
Docket No. 4476-00
8 December 2000

[REDACTED]

Dear [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 6 December 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Naval Reserve on 29 September 1989 for eight years at age 22. You were ordered to active duty on 3 July 1990 for a period of 36 months in the Active Mariner Program.

The record reflects that you were advanced to SA (E-2) and served without incident until 18 August 1991 when you were counseled for being intoxicated on board ship. You were warned that failure to take corrective action regarding your conduct could result in administrative separation. Thereafter, you were recommended for promotion but the recommendation was withdrawn on 31 January 1993. The reason for the withdrawal is not shown in the record. Incident to your release from active duty, you were not recommended for reenlistment due to failure to meet the professional growth criteria. On 2 July 1993, you were honorably released from active duty, transferred to the Naval Reserve, and assigned an RE-4 reenlistment code. On 28 September 1987 you were honorably discharged upon completion of your obligated service.

Regulations require the assignment of an RE-4 reenlistment code to individuals who have failed to meet the professional growth criteria at the time of separation. In this regard, an individual in your situation should have been promoted to at least seaman (E-3). The Board noted your contention that despite the one mistake you made, the command stood by you so you would not get a bad discharge. Since you did not state what this mistake was, the Board did not know whether it was the reason for the command's withdrawal of the recommendation for promotion. Since you were treated no differently than other separated under similar circumstances, the Board could find no error or injustice in your assigned reenlistment code. The Board thus concluded the reenlistment code was proper and no change is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director